

The Honorable James L. Robart

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MICROSOFT CORPORATION, a Washington
corporation,

Plaintiff,

v.

MOTOROLA, INC., and MOTOROLA
MOBILITY, INC., and GENERAL
INSTRUMENT CORPORATION,

Defendants.

MOTOROLA MOBILITY, INC., and
GENERAL INSTRUMENT CORPORATION,

Plaintiffs/Counterclaim Defendant,

v.

MICROSOFT CORPORATION,

Defendant/Counterclaim Plaintiff.

CASE NO. C10-1823-JLR

DEFENDANTS' NONOPPOSITION TO
MICROSOFT'S 8/6/12 MOTION TO
FILE DOCUMENTS UNDER SEAL

**NOTED ON MOTION CALENDAR:
Friday, August 17, 2012**

DEFENDANTS' NONOPPOSITION TO MICROSOFT'S 8/6/12
MOTION TO FILE DOCUMENTS UNDER SEAL
CASE NO. C10-1823-JLR

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1 **I. INTRODUCTION**

2 Defendants Motorola, Inc. (now Motorola Solutions, Inc.), Motorola Mobility, Inc. and
 3 General Instrument Corporation (collectively, "Motorola") do not oppose Microsoft's 8/6/12
 4 Motion to File Documents Under Seal (Dkt. No. 372) regarding the following documents:

- 5 • Exhibit 12 (Dkt. No. 376) to the Declaration of Christopher Wion in
 6 Support of Microsoft's Opposition to Motorola's Motion for Partial
 7 Summary Judgment Dismissing Microsoft's Claim for a RAND Patent
 8 License Agreement to be Determined *Ab Initio* by the Court ("8/6/12
 9 Wion Declaration") (Dkt. No. 375); and
- 10 • Limited portions of Microsoft's Opposition to Motorola's Motion for
 11 Partial Summary Judgment Dismissing Microsoft's Claim for a RAND
 12 Patent License Agreement to be Determined *Ab Initio* by the Court (Dkt.
 13 No. 376).

14 As Microsoft points out, Exhibit 12 to the 8/6/12 Wion Declaration, which is an excerpt from the
 15 Expert Report of Charles R. Donohoe, both contains confidential information and includes
 16 extensive references to the Expert Report of Michael J. Dansky, which itself contains confidential
 17 information. Disclosure of this non-public and commercially sensitive information about the
 18 parties' products would have the potential to lead to competitive harm. Exhibit 12 should
 19 therefore be sealed in its entirety. For the same reasons, those portions of Microsoft's Opposition
 20 that refer to the confidential information contained in Exhibit 12 should be sealed.

21 Nothing herein is intended as a waiver of Defendants' right to contest Microsoft's
 22 designation of material as Confidential Business Information in accordance with the terms of the
 23 Protective Order entered on July 21, 2011 (Dkt. No. 72). Defendants expressly reserve the right to
 24 do so as the circumstances warrant.

1 DATED this 14th day of August, 2012.

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CERTIFICATE OF SERVICE

I hereby certify that on this day I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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DATED this DATED this 14th day of August, 2012.

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